

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAR 26 2025

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO PEREZ PATHISTAN,

Defendant.

4:25CR150 AGF/RHH

MOTION FOR PRE-TRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Michael K. Hayes, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, *et seq.*

1. The Bail Reform Act requires that before conducting a requested detention hearing, the court is to determine that the case is eligible for said hearing under section 3142(f). Section 3142(f)(1) authorizes a detention hearing in a case involving (1) a crime of violence; (2) an offense carrying a penalty of life imprisonment or death; (3) a federal drug offense carrying a penalty of ten years or more; (4) a felony following convictions for two or more of the three foregoing offenses; or (5) any felony that is not otherwise a crime of violence that involves a minor victim, or that involves the possession or use of a firearm or destructive device or any other dangerous weapon or involves a failure to register as a sex offender. 18 U.S.C. §3142(f)(1). In this case,

Defendant is charged with illegal reentry into the United States, in violation of Title 18, United States Code, Section 1326(a), which is not one of the crimes enumerated under § 3142(f)(1).

2. However, the court may hold a hearing on its own motion or the government's motion in a case that involves a serious risk of flight or a serious risk that the person will obstruct or attempt to obstruct justice; threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror. 18 U.S.C. §3142(f)(2). The government submits there is serious risk of flight in this case. As and for its grounds, the Government states the following factors pursuant to Title 18, United States Code, Section 3142(g) (2)(3) and (4) for this Court to consider:

3. Defendant is a Mexican national, who has been removed from the United States and deported back to Mexico after having been found to be unlawfully present in the United States. He was removed in February 2014, and he returned some time between then and now.

4. The St. Peter's Police Department arrested Defendant for Driving While Intoxicated on March 15, 2025. It was Defendant's third arrest for alcohol or drug-related crimes (the previous two were in 2013). Defendant was transferred to ICE custody on March 16.

5. There is a serious risk that the defendant will flee should he be released. Defendant's risk of flight is demonstrated by his history of fleeing Mexico and illegally entering the United States. Defendant's history of illegal entry into the United States shows that he is predisposed toward flight and that he will not voluntarily submit himself to prosecution. He does not want to stay in Mexico, and he has recently claimed fear for his safety if deported to Mexico. Because he is currently in U.S. Marshal custody, he will ultimately be returned to Mexico, regardless of the ultimate result of his criminal case.

6. Because there exists a serious risk of flight, the Government is entitled to a detention hearing in this matter. Furthermore, because of the nature of this flight risk, there is simply no condition or combination of conditions that would ensure Defendant's appearance as required. The Government requests that Defendant be detained pending resolution of this case.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that this Court find that this case involves a serious risk that Defendant will flee, and that the United States is entitled to a detention hearing in this matter pursuant to Title 18, United States Code, Section 3142(f)(2)(A). Furthermore, the United States requests that this Court find that there are no conditions or combination of conditions that will reasonably assure defendant's appearance as required, or the safety of the community, and that Defendant be ordered detained prior to trial.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

/s/ Michael K. Hayes
MICHAEL K. HAYES, #61395 MO
ASSISTANT UNITED STATES ATTORNEY
Thomas F. Eagleton Courthouse
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102
(314) 539-2200